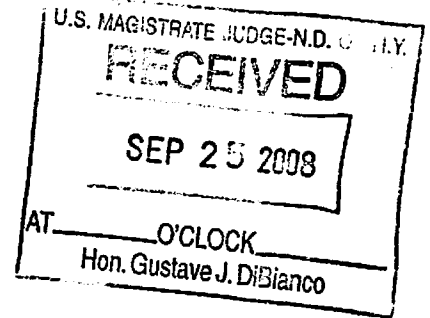


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September 24, 2008

Hon. Gustave J. DiBianco  
United States Magistrate Judge  
United States District Court  
for the Northern District of New York  
100 South Clinton  
Syracuse, New York 13261

Re: Grant v. National Board of Medical Examiners, et al.  
7:07-cv-0996 (GJD/TJM)

Dear Judge DiBianco:

We have received a copy of Dr. Grant's letter dated September 19, 2008, to which he attaches an amended complaint. Dr. Grant appears to request that the Court file the amended complaint, which purports to add new claims and new parties, in this case.

Because defendants filed their answer to the original complaint on July 9, 2008, Fed. R. Civ. P. 15(a) requires Dr. Grant to obtain the defendants' written consent or to seek leave to amend from the Court. Dr. Grant did not request defendants' consent, and the defendants would respectfully refuse to consent, on at least the grounds that any such amendment would be futile.

Because Dr. Grant's submission does not appear to be in the proper form under either the Federal Rules of Civil Procedure or the Northern District's Local Rules, defendants will not further elaborate on their objections to the amended complaint at this time. However, if the Court elects to treat Dr. Grant's September 19 letter as a motion to amend and to add new parties, the defendants respectfully request an opportunity to respond in more detail.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Heidi S. Martinez".

Heidi S. Martinez  
Bar No. 507390

cc: C. Earl Grant